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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.18704 of 2024

A.Maruthupandian ... Petitioner/A-5

Vs

The State of Tamil Nadu,
Rep.by.The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.
(In Crime No.68 of 2021) ... Respondent/Complainant

For Petitioner : Mr.R.Ganesan
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.68 of 2021 on the file of the Respondent police.

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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence under Sections 379 of IPC, r/w. 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.68 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused had illegally transported eight units of gravel sand. Hence, the complaint.

3.Heard the learned counsel on either side and perused the material records of the case.

4.Considering the facts and circumstances of the case and also considering the quantity of minerals involved, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of PAO, ASI, Hyderabad, (Account No.0606201022184, IFSC Code: CNRB0000606, Canara Bank, Hyderabad ABID Road Main, Post Bag No.4, 4-1-954, ABID Road, Hyderabad 500001) for the purpose of preserving, cleaning and upkeep of the Monuments in and around the Madurai City, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the Judicial Magistrate cum District Magistrate Court, Tiruchuli, Virudhunagar District.

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6.On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate cum District Magistrate Court, Tiruchuli, Virudhunagar District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];* and;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/10/2024

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/ /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

jbr

TO

1. The Judicial Magistrate cum District Magistrate,
Tiruchuli, Virudhunagar District.

2.Do Through
The Judicial Magistrate cum District Magistrate,
Virudhunagar District.

3. The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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ASI,
Hyderabad.

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ORDER
IN
CRL OP(MD) No.18704 of 2024
Date :29/10/2024

KVL/23.11.2024 5P/6C
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